

113TH CONGRESS  
1ST SESSION

# H. R. 68

To provide that no Federal funds may be used by the Secretary of Homeland Security to approve a site security plan for a chemical facility, unless the facility meets or exceeds security standards and requirements to protect the facility against acts of terrorism established for such a facility by the State or local government for the area where the facility is located, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2013

Ms. JACKSON LEE introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide that no Federal funds may be used by the Secretary of Homeland Security to approve a site security plan for a chemical facility, unless the facility meets or exceeds security standards and requirements to protect the facility against acts of terrorism established for such a facility by the State or local government for the area where the facility is located, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1   **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Chemical Facility Se-  
3   curity Improvement Act of 2013”.

4   **SEC. 2. PERFORMANCE STANDARDS FOR SECURITY OF  
5                   CHEMICAL FACILITIES.**

6       (a) LIMITATION ON USE OF FUNDS.—

7               (1) LIMITATION.—No Federal funds may be  
8   used by the Secretary of Homeland Security to ap-  
9   prove a site security plan for a chemical facility un-  
10   less the facility meets or exceeds security standards  
11   and requirements to protect the facility against acts  
12   of terrorism established for such a facility by the  
13   State or local government for the area where the fa-  
14   cility is located.

15               (2) DEFINITIONS.—In this subsection, each of  
16   the terms “site security plan” and “chemical facil-  
17   ity” has the meaning that the term has in section  
18   550 of the Department of Homeland Security Ap-  
19   propriations Act, 2007 (Public Law 109–295; 120  
20   Stat. 1388), as amended by this Act.

21       (b) AMENDMENTS TO EXISTING LAW RELATING TO  
22   APPROVAL OF SECURITY PLANS.—Section 550 of the De-  
23   partment of Homeland Security Appropriations Act, 2007  
24   (Public Law 109–295; 120 Stat. 1388) is amended—

25               (1) in subsection (a)—

- 1                             (A) by inserting “from a terrorist attack”  
2                             after “shall issue interim final regulations es-  
3                             tablishing risk-based performance standards for  
4                             security of chemical facilities”;  
5                             (B) by inserting “of a terrorist attack”  
6                             after “in the discretion of the Secretary,  
7                             present high levels of security risk”; and  
8                             (C) by striking “the Secretary may not dis-  
9                             approve a site security plan submitted under  
10                            this section based on the presence or absence of  
11                            a particular security measure, but”;  
12                           (2) in subsection (c)—  
13                             (A) by striking “consistent with similar”  
14                             and inserting “identical to”;  
15                             (B) by striking “vulnerability assessments,  
16                             site security plans, and other information sub-  
17                             mitted to or obtained by the Secretary under  
18                             this section, and related vulnerability or secu-  
19                             rity information,” and inserting “vulnerability  
20                             assessments and site security plans”; and  
21                             (C) by striking “classified material” and  
22                             inserting “sensitive security information (as  
23                             that term is used in section 1520.5 of title 49,  
24                             Code of Federal Regulations)”;

1                             (3) in subsection (d), by striking: “*: Provided,*  
2                             That nothing in this section confers upon any person  
3                             except the Secretary a right of action against an  
4                             owner or operator of a chemical facility to enforce  
5                             any provision of this section.”.

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